APPEAL NO. 002131

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 14, 2000. The hearing officer determined that the _____, compensable injury of the respondent (claimant) included a right knee injury in the form of a medial meniscus tear and medial collateral ligament strain. Appellant (carrier) appealed this determination on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Carrier contends the hearing officer erred in determining that the _____, compensable injury includes a right knee injury in the form of a medial meniscus tear and medial collateral ligament strain. Carrier asserts that: (1) claimant's knee condition is due to a degenerative process and was not an acute injury; (2) claimant had preexisting arthritis in his knee; (3) claimant did not initially report a knee injury and reported only the ankle injury; (4) claimant changed his story because he had previously said in a recorded statement that he did not immediately notice knee pain; and (5) Dr. C stated that the cause of claimant's knee condition cannot be determined. It was undisputed that claimant sustained a compensable ankle injury. Claimant testified that he twisted both his leg and his ankle on _____, when his shoe caught on a nail and he fell to the ground. Claimant said he initially thought his foot was broken, but he was able to limp around. Claimant testified that he did not seek medical treatment until January 17, 2000, because he thought it was just a sprained ankle and "assorted pain." Claimant said he began having more leg pain in his thigh and calf so he finally saw a doctor. He testified that the doctor told him at that time that he also had a knee injury. Claimant said he had not had any prior knee problems.

It was claimant's burden to establish that the right knee condition was caused by his compensable injury of _____. The trier of fact judges the weight to be given expert medical testimony and resolves any conflicts and inconsistencies in the evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ).

We have reviewed the record and evidence regarding the scope of the compensable injury. To the extent that the evidence was conflicting, that was a matter for the hearing officer as fact finder to determine. Garza v. Commercial Insurance Company of Newark, N.J., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer considered the evidence and carrier's assertions regarding whether claimant sustained a knee injury and regarding causation. The hearing officer could find from the evidence that claimant also injured his knee when he injured his ankle on _____. There was medical evidence from Dr. R and from Dr. D, which supports the hearing

officer's determinations in this case. The hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge